IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2348 of 2007.

Chindya @ Nathuram Ganpat
Mohite & Ors. ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Kuldeep S. Patil, Advocate for the applicants.

Ms M. H.Mhatre, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 3rd September,2007.

P.C.:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. Perused application and the material available on record.

3. The applicants are seeking bail in C.R. No.175 of 2006 registered with Roha Police Station, District Raigad for the offence punishable under Sections 302, 201 read with Section 34 of the I.P.C.

4. The learned counsel for the applicants relies on the statement of one Narayan Masaj Mohite recorded on 14.12.2006. According to him, the incident happened on 10.12.2006 and his further statement indicates that the death

of Stephen James Bennett, a British tourist, was due to hanging. As against this, the medical evidence and opinion filed on record suggests that death was due to head injury with ligature marks leading to strangulation. So far as head injuries caused to the deceased are concerned, the applicants do not appear to be the authors of such injuries.

5. In the above view of the matter,I am inclined to grant bail to the present applicants on following terms and conditions.

a] the applicants-accused be released on bail in the sum of Rs. 25,000/- each with one or two sureties each in the like amount.

b] the applicants shall report Police Station,Roha District Alibag,once in a week i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicants shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency.

d] The applicants shall co-operate with

the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. The application is allowed in the above terms.

(V.C. DAGA,J.)